

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

HAZEL M. ROBY, as Administratrix of §
the Estate of RONALD TYRONE §
ROBY, Deceased, §
§
Plaintiff, §
§
v. § **CIVIL ACTION NO.**
§ **2:05cv494-B**
BENTON EXPRESS, INC., et al., §
§
Defendants. §

**PLAINTIFF'S MOTION TO EXTEND THE TIME FOR PLAINTIFF
TO RESPOND TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT
SOLELY BECAUSE DEPOSITIONS TRANSCRIPTS ARE NOT READY**

COMES NOW the Plaintiff in the above-styled matter and hereby requests that this Court enter an Order allowing Plaintiff additional time to respond to Defendant's Motion for Summary Judgment. Plaintiff would show unto the Court the following as grounds to justify a short extension of time:

1. Defendant filed its Motion for Summary Judgment on November 23, 2005.

2. Plaintiff's response to Defendant's Motion for Summary Judgment was originally due on December 16, 2005. This Court entered an Order allowing Plaintiff until January 3, 2006, to respond to Defendant's Motion for Summary Judgment.

3. Plaintiff responded to with the original deadline, however, several deposition transcripts were not completed and Defendant's experts' depositions had not been taken.

4. Plaintiff was not able to take the deposition of Bob Tynes Defendant's expert until December 22, 2005, and was not able to take the deposition of Defendant's accident reconstructionist, Steven Stephens, until December 28, 2005.

5. Plaintiff has not received the transcripts of these depositions that she intends to use in her opposition.

6. Plaintiff can only refer to testimony based on counsel's recollection but the actual deposition cites cannot be attached.

WHEREFORE, Plaintiff respectfully requests that this Court enter an Order allowing Plaintiff a reasonable amount of additional time to receive and review the completed transcripts and then respond to Defendant's Motion for Summary Judgment.



LABARRON N. BOONE
Attorney for Plaintiff

OF COUNSEL:

BEASLEY, ALLEN, CROW, METHVIN,
PORTIS & MILES, P.C.
218 Commerce Street
Post Office Box 4160
Montgomery, Alabama 36103-4160
(334) 269-2343 (Telephone)
(334) 954-7555 (Facsimile)

CERTIFICATE OF SERVICE

I hereby certify that I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system that will send notification of such filing to the following on this the 30 day of December 2005.



OF COUNSEL

Gregory A. Brockwell
Brett A. Ross
Carr, Allison, Pugh, Howard, Oliver & Sisson, P.C.
100 Vestavia Parkway, Suite 200
Birmingham, Alabama 35216